

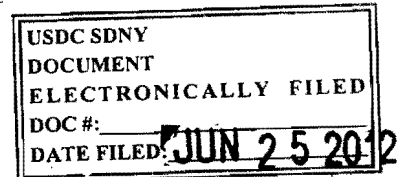
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June 19, 2012

VIA FACSIMILE

The Honorable J. Paul Oetken
United States District Judge
Southern District of New York
Room 620
500 Pearl Street
New York, NY 10017
(212) 805-7991 (facsimile)



MEMO ENDORSED

Re: Request for Determination that *Loginovskaya v. Batratchenko, et al.*, No. 12 Civ. 336
Not be Included in the Pilot Project

Dear Judge Oetken:

We represent Plaintiff Ludmila Loginovskaya in the above-captioned matter. According to the Standing Order filed on January 13, 2012, this case was designated for inclusion in the Pilot Project Regarding Case Management Techniques for Complex Civil Cases in the Southern District of New York (the "Pilot Project"), "unless the judge to whom the case is assigned determines otherwise." Standing Order dated January 13, 2012, at Dkt No. 2 (attached hereto as Exhibit A). We respectfully request that Your Honor determine that *this case not be included in the Pilot Project*, and confirm that Your Honor's individual practices apply for purposes of the Initial Conference scheduled for July 25, 2012, rather than the Pilot Project's more complex procedures. Counsel for Defendants Oleg Batratchenko, Thor United Corp., Thor United Corp. (Nevis), Thor Real Estate Master Fund, Ltd., Thor Guarant Real Estate Fund, Ltd., Thor Opti-Max LLC, Thor Opti-Max Fund, Ltd., Thor Asset Management, Inc., Thor Real Estate Management LLC, Thor Capital LLC, Thor Futures LLC, and Thor Realty LLC join in this request.

We believe that Plaintiff's complaint was selected for the Pilot Project because the nature of the action relates to "securities/commodities." However, Plaintiff is an individual investor suing Defendant Batratchenko and his investment funds, together with related parties, for a single count of commodity pool fraud under the Commodity Exchange Act, as well as a variety of common law claims including breach of contract, breach of fiduciary duty, fraud, and accounting. At this time, Plaintiff does not anticipate a deluge of electronic discovery that might occur in a typical complex class action or other securities or commodities actions. Plaintiff has a

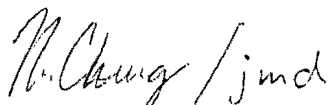
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limited universe of documents relevant to her claims in her possession, and Defendants have already produced documents in defense of similar claims in at least one other action in the Southern District of New York, which may further facilitate the discovery process in this action. *See, e.g., Matveev v. Batratchenko et al.*, No. 11 Civ. 1593 (filed Mar. 8, 2011). Moreover, the amount of damages Plaintiff seeks consists of the return of her principal investment of approximately \$590,000, plus any reported gains, fees, interest and punitive damages. Under these circumstances, we submit that the Pilot Project would result in added expenses which would be unduly burdensome for our client who is an individual investor and the sole plaintiff in our case.

In addition, we further request confirmation that Your Honor's April 5, 2012 Order should apply for purposes of preparing for the July 25, 2012 Initial Conference. Your Honor's April 5 Order provides for use of a Civil Case Management Plan and Scheduling Order form available at <http://nysd.uscourts.gov/judge/Oetken>, in contrast to the Standing Order which requires preparation of a detailed and time-consuming Initial Report.

Respectfully submitted,


Nancy Chung

cc: Judith Wallace, Counsel for Defendants Oleg Batratchenko, Thor United Corp., Thor United Corp. (Nevis), Thor Real Estate Master Fund, Ltd., Thor Guarant Real Estate Fund, Ltd., Thor Opti-Max LLC, Thor Opti-Max Fund, Ltd., Thor Asset Management, Inc., Thor Real Estate Management LLC, Thor Capital LLC, Thor Futures LLC, and Thor Realty LLC (via email)

SO ORDERED:


J. PAUL OETKEN
U.S.D.J.

6/25/12

Granted.
This case is withdrawn from the Pilot Project.